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SENATE BILL 188

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

DEDE FELDMAN

AN ACT

RELATING TO TOBACCO PRODUCTS; PROVIDING CRIMINAL PENALTIES FOR A BUSINESS THAT EMPLOYEES A PERSON WHO VIOLATES THE PROVISIONS OF THE TOBACCO PRODUCTS ACT; AMENDING SECTIONS OF THE TOBACCO PRODUCTS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-49-3 NMSA 1978 (being Laws 1993, Chapter 244, Section 3) is amended to read:

"30-49-3. TOBACCO--PROHIBITED SALES. --

A. ~~[No]~~ A person or business shall ~~[knowingly]~~ not sell, offer to sell, barter or give any tobacco product to any minor.

B. ~~[No]~~ A minor shall not procure or attempt to procure any tobacco products for his own use or for use by any other minor.

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Underscored material = new
[bracketed material] = delete

Underscored material = new
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1 C. ~~[No]~~ A person or business shall not sell, offer
2 to sell or deliver a tobacco product in a form other than an
3 original factory-sealed package. "

4 Section 2. Section 30-49-12 NMSA 1978 (being Laws 1993,
5 Chapter 244, Section 12) is amended to read:

6 "30-49-12. PENALTY. --

7 A. ~~[Any]~~ A person who violates any provision of
8 Subsection A of Section [3 or Sections 5, 7, 8 or 9 of the
9 Tobacco Products Act] 30-49-3 NMSA 1978 or Section 30-49-5,
10 30-49-7, 30-49-8 or 30-49-9 NMSA 1978 is guilty of a
11 misdemeanor and shall be sentenced pursuant to the provisions
12 of Section 31-19-1 NMSA 1978. Each violation is a separate
13 and distinct offense.

14 B. ~~[Any]~~ A minor who violates any provision of
15 Subsection B of Section [3 or Section 6 of the Tobacco
16 Products Act] 30-49-3 NMSA 1978 or Section 30-49-6 NMSA 1978
17 shall be punished by a fine not to exceed one hundred dollars
18 (\$100) or forty-eight hours of community service.

19 C. A business that employs a person who violates
20 any provisions of Subsection A of Section 30-49-3 NMSA 1978 or
21 Section 30-49-5, 30-49-7, 30-49-8 or 30-49-9 NMSA 1978 is
22 guilty of a misdemeanor and shall be sentenced pursuant to the
23 provisions of Section 31-19-1 NMSA 1978. Each violation is a
24 separate and distinct offense. "

25 Section 3. EFFECTIVE DATE. --The effective date of the

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provisions of this act is July 1, 1998.

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

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6 January 30, 1998

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8 Mr. President:

9
10 Your COMMITTEES' COMMITTEE, to whom has been referred

11
12 SENATE BILL 188

13
14 has had it under consideration and finds same to be GERMANE,
15 pursuant to Senate Executive Message No. 23, and thence referred to
16 the PUBLIC AFFAIRS COMMITTEE.
17

18
19 Respectfully submitted,

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24 _____
25 Manny M. Aragon, Chairman

Underscored material = new
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Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

Date _____

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